

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Leopoldo ROCHA Jr.

Defendant.

Magistrate Case No.: '08 MJ 8355

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960

Importation of a Controlled Substance
(Felony)


The undersigned complainant being duly sworn states:

On or about April 25, 2008, within the Southern District of California, defendant Leopoldo ROCHA Jr. did knowingly and intentionally import approximately 45.02 kilograms (99.04 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Timothy L. Henderson
Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 28th
DAY OF APRIL, 2008.


Peter C. Lewis
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Leopoldo ROCHA Jr.

4 STATEMENT OF FACTS

5 This complaint is based upon the personal observations, investigation and
6 information provided to U.S. Immigration and Customs Enforcement Special Agent
7 Timothy Henderson.
8

9 On April 25, 2008, Leopoldo ROCHA Jr. made entry into the United States from
10 Mexico through the Calexico, California West Port of Entry. ROCHA was the driver of a
11 Ford passenger car.
12

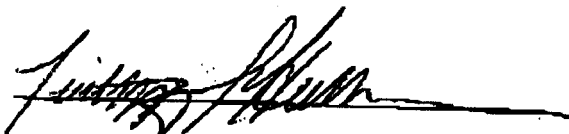
13 Customs and Border Protection Officer (CBPO) E. Stewart was working a
14 primary lane at the Port of Entry when ROCHA made entry into the United States.
15 CBPO Stewart received a negative Customs declaration from ROCHA. CBPO Stewart
16 referred ROCHA to the secondary lot for further inspection.
17

18 In secondary, CBPO J. VanArsdall received a negative Customs declaration
19 from ROCHA. A search of the Ford resulted in the discovery of trunk compartment
20 containing 40 packages of a green leafy substance. CBPO VanArsdall obtained a
21 positive field-test for marijuana from a sample of the substance. The combined weight
22 of the packages was 45.02 kilograms (99.04 pounds).
23

24 Special Agent (S/A) Timothy Henderson interviewed ROCHA and read ROCHA
25 his constitutional rights per Miranda, in English. ROCHA orally waived his rights, as well
26 as signing the written waiver of rights, agreeing to make a statement.
27

28 ROCHA stated that he believed that marijuana would be within the Ford.
29 ROCHA stated that he would be paid to drive the Ford to Los Angeles.

1 Executed on 04/25/2008 at 15:10 hours.

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5 Timothy L. Henderson, Special Agent

6 U.S. Immigration and Customs Enforcement

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9 On the basis of the facts presented in the probable cause statement consisting
10 of three (3) pages, I find probable cause to believe that the defendant named in this
11 probable cause statement committed the offense on April 25, 2008, in violation of Title
12 21 United States Code, Section(s) 952 & 960

13
14 

15 United States Magistrate Judge

16 Date 4-26-08
17 at noon